

**Amendment and Response**

Applicant: Yifeng Wu et al.

Serial No.: 10/825,452

Filed: April 15, 2004

Docket No.: 200312575-1

Title: IMAGE PROCESSING SYSTEM AND METHOD

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**REMARKS**

The following remarks are made in response to the Office Action mailed November 12, 2008. Claims 1-39 were rejected. With this Response, claims 1, 3 and 29 have been amended. Claims 1-39 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 1, 3, 13, 16-18, 19, 29, and 31 under 35 U.S.C. § 103(a) as being unpatentable over the Oyumi U.S. Patent No. 7,301,677 in combination with the Pass et al. U.S. Patent No. 6,671,402. The Examiner rejected claims 2, 14, 15, 20, 28, 30, and 39 under 35 U.S.C. § 103(a) as being unpatentable over the Oyumi U.S. Patent No. 7,301,677 and the Pass et al. U.S. Patent No. 6,671,402, and further in view of the Enomoto U.S. Patent No. 7,304,761. The Examiner rejected claims 4-8, 12, 21-23, 27, 32-34 and 38 under 35 U.S.C. § 103(a) as being unpatentable over the Oyumi U.S. Patent No. 7,301,677 and the Pass et al. U.S. Patent No. 6,671,402, and further in view of the Neubauer et al. U.S. Patent No. 7,110,591. Finally, the Examiner rejected claims 9-11, 24-26, and 35-37 under 35 U.S.C. § 103(a) as being unpatentable over the Oyumi U.S. Patent No. 7,301,677, the Pass et al. U.S. Patent No. 6,671,402, the Neubauer et al. U.S. Patent No. 7,110,591, and further in view of the Sterns U.S. Patent No. 6,714,677. Applicant respectfully disagrees.

As amended, claim 1 is a printing control system including a plurality of printing units and an image source providing a print job comprising a plurality of images. The system has a system processing unit. The system processing unit is configured to receive the plurality of images in the print job from the image source, calculate an image histogram for each image in the print job, determine a similarity of the images in the print job by comparing the calculated histograms, classify the images into at least a first and a second class based on the similarity of the histograms, and send each of the images of the first class to a respective one of the printing units.

Applicant respectfully disagrees with the Office Action's suggestion that the Oyumi reference and the Pass reference together include all of the elements of claim 1. In fact, the Office Action explicitly acknowledges that the Oyumi reference fails to teach or suggest determining a similarity of the images in the print job by comparing the calculated

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histograms; and classifying the images into classes based on the comparison of the histograms; (See, Office Action, page 4). In the previous Office Action, it was also admitted that the Oyumi reference fails to teach or suggest sending each of the classes of images to a respective one of the printing units, although, the current Office Action seems to assert it is shown. Although the Pass reference is used in an attempt to cure the deficiencies of the Oyumi reference, it too fails to teach or suggest these features.

Specifically, neither the Oyumi reference nor the Pass reference (nor any of the art of record) teach or suggest sending *each of the images of the first class to a respective one of the printing units*. The Pass reference has nothing to do with printing and obviously does not teach or suggest this feature. The Examiner points to column 6, lines 40-43 of the Oyumi reference for this feature. There, however, the specification simply states that images are distributed to printers. There is no teaching or suggestion of classifying images into classes based on determined similarities. There is no teaching or suggestion of sending *each* image in a formed class to a *single* printing unit.

Sending each of the images of a class to one printing unit can allow for more consistent reproduction of images as explained in the specification:

In some embodiments, images in a print job can be classified into several classes, wherein each class contains images that were taken in the same scene, with the same people, and/or under the same lighting conditions. Often, the only difference between these similar images may be the viewing angle, distance, or subject arrangement. If such similar images are sent to different printers, different print engines, or different printheads, color differences may be noticeable between the similar images. However, if such similar images are sent to the same printer, same print engine, or same printhead, consistent color reproduction will result. In this way, image processing unit 18 classifies similar images into the same class, and then sends all such images in that class to a single printing unit (see, specification page 4, lines 13-23).

There is simply no teaching or suggestion in the Oyumi reference, or in any of the art of record, for sending images in a class to one printing unit in this way. As such, claim 1 and its dependant claims are allowable over the art of record. It is therefore respectfully submitted that independent claim 1 is in condition for allowance as are claims 2-18 depending therefrom.

Furthermore, claim 19 is a method that contains a similar feature including sending the images from the first class to the first printing unit and sending the images from the

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second class to the second printing unit. There is nothing in the Oyumi reference, or in any of the art of record, for sending images to printing unit in this way. As such, independent claim 19 is in condition for allowance as are claims 20-28 depending therefrom. Finally, claim 29 is amended similarly to claim 1 such that it and its dependant claims 30-39 are also in form for allowance.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection to the claims, and request allowance of these claims.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-39 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-39 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Paul P. Kempf at Telephone No. (612) 767-2502, Facsimile No. (612) 573-2005 or Guillaume Durville at Telephone No. (34 93) 582-2232, Facsimile No. (34 93) 582-2373. In addition, all correspondence should continue to be directed to the following address:

IP Administration  
Legal Department, M/S 35  
HEWLETT-PACKARD COMPANY  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400

Respectfully submitted,

Yifeng Wu et al.

By their attorneys,

DICKE, BILLIG & CZAJA, PLLC  
Fifth Street Towers, Suite 2250  
100 South Fifth Street  
Minneapolis, MN 55402  
Telephone: (612) 767-2502  
Facsimile: (612) 573-2005

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PPK:cmj:mlm

/paulpkempf/

Paul P. Kempf

Reg. No. 39,727